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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,730	10/26/2001	Junichi Fujimori	393032028700	7708
25224	7590	06/08/2006	EXAMINER	
MORRISON & FOERSTER, LLP 555 WEST FIFTH STREET SUITE 3500 LOS ANGELES, CA 90013-1024			DAVIS, CYNTHIA L	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/050,730

Applicant(s)

FUJIMORI, JUNICHI

Examiner

Cynthia L. Davis

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 3/30/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-24, 27-28, and 30-31 is/are allowed.
- 6) ☒ Claim(s) 22, 25 and 29 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)     | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 22, 25, and 29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Auerbach in view of applicant's admitted prior art.

Regarding claim 25, a communication system having a communication network and a plurality of nodes connected to the communication network and in which audio data are transferred between the plurality of nodes with respective sampling clocks of the plurality of nodes synchronized via a synchronization signal packet is disclosed in applicant's admitted prior art, pages 1 and 2 of the instant specification (describing a audio system with a plurality of slave nodes and a word clock master node that sends out a transmission time stamp to the slave nodes to synch them). That the master node is a clock master node is disclosed in the applicant's admitted prior art, pages 1 and 2. The clock master node in each of the groups sends a synchronization signal packet to the communication network is disclosed in the admitted prior art, pages 1 and 2 (the word clock master node sends a time stamp to each node every cycle). Each of said

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plurality of nodes that is not set as the clock master node receives, from among a plurality of the synchronization signal packets sent to the communication network, a synchronization signal packet and performs a synchronization process on the sampling clock thereof on the basis of the received synchronization signal packet is disclosed in the admitted prior art, pages 1 and 2 (master nodes send out the time stamp, there is a master node for every tone-related communication in the network, so there are a plurality of time stamps sent out). A grouping section that groups said plurality of nodes into a plurality of groups, and a master setting section that sets, for each of the groups, one of the nodes within the group as a master node is missing from the admitted prior art; it is disclosed in Auerbach, column 3, lines 1-4. Attaching, to the synchronization signal packet, identification information indicative of the group to which the master clock node belongs and an ID indicating itself as the clock master node of the group is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. Having identification information indicative of the group to which the node belongs and the ID indicative of the clock master node of the group to which the node belongs is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. It would have been obvious to one skilled in the art at the time of the invention to use the tree leader and group identification system of Auerbach in the applicant's admitted prior art master clock node system. The motivation would be to provide an improved method for setting up multicast routes, and to administer the transmission paths for multicast communications (see Auerbach, column 2, lines 36-47; the reference time stamp of the admitted prior art is a multicast to all the slave nodes).

Regarding claim 29, communication control method for execution in a communication system having a communication network and a plurality of nodes connected to the communication network and in which audio data are transferred between the plurality of nodes with respective sampling clocks of the plurality of nodes synchronized via a synchronization signal packet is disclosed in applicant's admitted prior art, pages 1 and 2 of the instant specification (describing a audio system with a plurality of slave nodes and a word clock master node that sends out a transmission time stamp to the slave nodes to synch them). A step of causing the one node set as the clock master node in each of the groups to send a synchronization signal packet to the communication network is disclosed in the admitted prior art, pages 1 and 2. Causing each node that is not set as the clock master node to receive, from among a plurality of the synchronization signal packets sent to the communication network, a particular synchronization signal packet and performing a synchronization process on the sampling clock thereof on the basis of the received synchronization signal packet is disclosed in the admitted prior art, pages 1 and 2 (master nodes send out the time stamp, there is a master node for every tone-related communication in the network, so there are a plurality of time stamps sent out). Said plurality of nodes being grouped into a plurality of groups is missing from the admitted prior art; it is disclosed in Auerbach, column 3, lines 1-4. A step of setting, for each of the groups, one of the nodes as a clock master node is missing from the admitted prior art; it is disclosed in Auerbach, column 3, lines 1-4. Attaching identification information indicative of the group to which the one node belongs and an ID indicating itself as the clock master node of the group

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is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. The packet having the identification information indicative of the group to which the node belongs and the ID indicative of the clock master node of the group to which the node belongs is missing from the admitted prior art; it is disclosed in Auerbach, column 6, lines 3-10. It would have been obvious to one skilled in the art at the time of the invention to use the tree leader and group identification system of Auerbach in the applicant's admitted prior art master clock node system. The motivation would be to provide an improved method for setting up multicast routes, and to administer the transmission paths for multicast communications (see Auerbach, column 2, lines 36-47; the reference time stamp of the admitted prior art is a multicast to all the slave nodes).

Regarding claim 22, a computer program comprising computer program code means for performing all the steps of claim 29 when said program is run on a computer is missing from the admitted prior art. It is disclosed in Auerbach, column 2, lines 54-59. It would have been obvious to one skilled in the art at the time of the invention to implement the clock synchronization system of the admitted prior art in a computer, as is done in Auerbach. The motivation would be to use a convenient, commercially available type of machine as the node.

***Allowable Subject Matter***

3. Claims 23-24, 27-28, and 30-31 are allowed.
4. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L. Davis whose telephone number is (571) 272-3117. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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5/26/2006

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**CHAU NGUYEN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**